

SENATE BILL No. 150

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-6-4.1-14; IC 3-7-12; IC 3-11.

Synopsis: Various election law changes. Establishes a procedure for a member of a county election board to file a protest with the state election commission when an election ballot does not comply with the requirements of IC 3-11-2 or is otherwise not in the form required by law. Requires that nominees be listed on a general election ballot in type with uniform capital letters and with uniform space between each name. Permits the county executive to locate the polls for a precinct in an adjoining precinct if the county election board, by unanimous vote, determines that there are not enough active voters in the precinct. Repeals a provision establishing a board of registration in each county having a population of more than 125,000.

Effective: July 1, 2002.

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January 7, 2002, read first time and referred to Committee on Legislative Apportionment & Elections.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 150

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-6-4.1-14 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) In addition to
- 3 other duties prescribed by law, the commission shall do the following:
- 4 (1) Administer Indiana election laws.
- 5 (2) Adopt rules under IC 4-22-2 to do the following:
- 6 (A) Govern the fair, legal, and orderly conduct of elections,
- 7 including the following:
- 8 (i) Emergency rules described in section 16 of this chapter
- 9 to implement a court order requiring the commission, the
- 10 election division, or an election board or official to
- 11 administer an election in a manner not authorized by this
- 12 title.
- 13 (ii) Rules (including joint rules with other agencies when
- 14 necessary) to implement and administer NVRA.
- 15 (B) Carry out IC 3-9 (campaign finance).
- 16 (C) Govern the establishment of precincts under IC 3-11-1.5.
- 17 (D) Specify procedures and fees for the processing of an

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1 application from a vendor for voting systems approval and
2 testing.

3 (E) Prescribe formats for the storage and submission of
4 computerized voter registration records by county and state
5 agencies or offices.

6 (3) Prescribe a uniform set of election and registration forms for
7 use throughout Indiana, except when prescribed by this title.

8 (4) Advise and exercise supervision over local election and
9 registration officers.

10 **(5) Investigate and take action on petitions filed under**
11 **IC 3-11-2-17.**

12 (b) This section does not divest a county election board of any
13 powers and duties imposed on the board in IC 3-6-5, except that if
14 there is a deadlock on a county election board, the county election
15 board shall submit the question to the commission for final
16 determination.

17 SECTION 2. IC 3-7-12-1, AS AMENDED BY P.L.144-2001,
18 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2002]: Sec. 1. (a) This section does not apply to the following
20 counties:

21 (1) A county in which a board of elections and registration is
22 established under IC 3-6-5.2 or IC 3-6-5.4.

23 (2) A county in which a board of registration is established

24 ~~(A) by this chapter; or~~

25 ~~(B)~~ by a county acting under this chapter.

26 (b) The circuit court clerk:

27 (1) is the voter registration officer of each county; and

28 (2) shall supervise the registration of voters of the county.

29 SECTION 3. IC 3-7-12-4 IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2002]: Sec. 4. The county executive of a county
31 not described in ~~section 2 or 3 of this chapter~~ **IC 3-6-5.2 or IC 3-6-5.4**
32 may adopt an order to establish a board of registration.

33 SECTION 4. IC 3-11-2-5 IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2002]: Sec. 5. The nominees of a political party
35 or group of petitioners shall be listed on the ballots **in type with**
36 **uniform capital letters and with uniform space between each name**
37 under the name and device of the party or petitioners as designated by
38 them in their certificate or petition, or if none is designated, then under
39 some suitable name and device. If the same device for designating
40 candidates is selected by two (2) parties or groups of petitioners, it
41 shall be given to the one (1) that first selected it, and a suitable device
42 shall be selected for the other party or group of petitioners.

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SECTION 5. IC 3-11-2-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 17. (a) If a member of the county election board has verifiable information that an election ballot for the member's county does not comply with the requirements of this chapter or is not in the form required by law, the member may file a petition with the commission protesting the ballot form not later than five (5) days after the member receives the information concerning the election ballot.

(b) The petition must specify the manner in which the election ballot does not comply with the requirements of this chapter or is not in the form required by law, including a reference by citation to the specific statutory requirement involved.

(c) The county election board member who files a petition under subsection (a) shall serve a copy of the petition upon the other members of the county election board and the circuit court clerk, if the clerk is not a member of the county election board, at the time the petition is filed with the commission.

(d) Upon receipt of a petition filed under subsection (a), the commission shall make an investigation in accordance with IC 3-6-4.1-21(b).

(e) If the commission determines there is reason to believe that the election ballot does not comply with the requirements of this chapter or is not in the form required by law, the commission shall hold a hearing under IC 3-6-4.1-25.

(f) If, after the hearing, the commission determines that the ballot fails to comply with one (1) or more of the requirements of this chapter or is otherwise not in the form required by law, the commission shall take the action it considers appropriate under IC 3-6-4.1-21(c).

SECTION 6. IC 3-11-8-4.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4.3. ~~If a precinct contains less than two hundred fifty (250) active voters,~~ The county executive may locate the polls for the precinct at the polls for an adjoining precinct, using the precinct election board of the adjoining precinct, **if the county election board, by unanimous vote, determines there is an insufficient number of active voters in a precinct to require a separate precinct election board.**

SECTION 7. IC 3-7-12-3 IS REPEALED [EFFECTIVE JULY 1, 2002].

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